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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 3:17-CR-00250-MO

v.

MOTION TO DISMISS

DAMION ZACHARY FELLER,

Defendant.

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, through Leah K. Bolstad, Assistant United States Attorney (AUSA) for the District of Oregon, hereby moves this Court for an order under Fed. R. Crim. P. 48(a) dismissing the Indictment filed July 7, 2017, in the best interest of justice.

On July 7, 2017, the federal grand jury indicted defendant on a two-count indictment charging him with Malicious Damage to Property By Means of Fire (Count 1) and Malicious Damage to Vehicle By Means of Fire (Count 2) in in case number 17-CR-250-MO. (CR 1). Defendant faced Arson charges, for the same offense conduct, in Multnomah County Case No. 17-CR-28776. On September 25, 2017, he pled guilty in that Multnomah County case, and

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agreed to a 60-month prison sentence. On October 18, 2017, the Multnomah County judge sentenced defendant to 60 months' imprisonment on Arson I (Count 2), and concurrent sentences of 13 months for Criminal Mischief I (Count 3), 13 months for Arson II (Count 4), and 13 months for Riot (Count 6).

Because of defendant's timely resolution of this matter in state court, the United States Attorney's Office agreed to dismiss the federal charges stemming from the same offense conduct. Therefore, by this motion, the government moves to dismiss *United States v. Damion Feller*, Case Number 17-CR-00250-MO.

Dated this 7th day of November 2017.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Leah K. Bolstad
LEAH K. BOLSTAD, OSB #052039
Assistant United States Attorney